

January 17, 2018
Regular Board Meeting Minutes

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, January 17, 2018 commencing at 10:31 A.M., at 801 Swink Ave., Rocky Ford, CO 81067.

Directors Present

Lynden Gill – Chairman
Leroy Mauch – Vice Chairman
Jim Valliant – Treasurer
Reeves Brown
Anthony Nunez
Phillip Chavez

Directors Absent

Melissa Esquibel – Secretary

District Staff Present

Jay Winner – General Manager
Jack Goble, P.E. – District Engineer
Bill Hancock – Conservation Manager
Brenda Fillmore – Finance/Water
Mike Weber – Staff Engineer
Bart Mendenhall – Legal Counsel
Peter Nichols – Special Counsel
Gerry Knapp – District Consultant
Jessica Rein – Temporary Staff

District Staff Absent

Guests Present

Dwight Gardner – U.S. Senator Bennet Representative
Matt Heimerich – Palmer Land Trust
Fred Heckman – Fort Lyon Farmer
Derek Heckman – Fort Lyon Farmer
Burt Heckman – Fort Lyon Farmer
Jolly Rose – Rocky Ford Citizen
Erika Chaves – Congressman Buck Representative
J.R. Thompson – Rocky Ford Daily Gazette
John Knapp – Arkansas River Basin Water Forum
Alan Ward – Pueblo Board of Water Works
Bill Tyner – Colorado Department of Water Resources
Don McBee – Fort Lyon Farmer
Chris Woodka – Southeastern Colorado Water Conservancy District
Larry Small – Fountain Creek Watershed, Flood Control, and Greenway District
Krystal Brown – US Geological Survey
Bob Kimbrough – US Geological Survey
Marty Lee – Rocky Ford Daily Gazette

Chairman Gill announced a quorum is present with Director Esquibel absent.

Oath & Election of Officers

- General Manager Winner swore in new Director Chavez along with reappointed Directors Gill and Brown.
- Director Brown moved to reappoint the existing officers as per the year before as follows, seconded by Director Valliant:
 - Lynden Gill – Chairman
 - Leroy Mauch – Vice Chairman
 - Mellissa Esquibel – Secretary
 - Jim Valliant – Treasurer
- General Manager Winner asked the Board of Directors to approve the requirements for LAVWCD postings as per the year before including on the front doors, website, and via email to the mailing list. Director Mauch moved to approve the postings, seconded by Director Valliant. It carried unanimously.

10:36 A.M. – Recess to Enter the Water Activity Enterprise

- Director Mauch moved to recess the regular board meeting to open the Water Enterprise meeting, Director Nunez seconded the motion. It carried unanimously.
- The Enterprise meeting was adjourned with a motion by Director Nunez and seconded by Director Mauch. It carried unanimously.

10:39 A.M. – Reconvene the Regular Board Meeting

- *Introduction of Guests:* Chairman Gill welcomed the guests and asked them each to introduce themselves and whom they represent.

Approval of Minutes

- Minutes for the December 6, 2017 Regular Board Meeting were approved with a motion by Director Brown, seconded by Director Valliant. Motion carried unanimously.
- Minutes for the December 6 Executive Session Meeting were approved with a motion by Director Valliant, seconded by Director Brown. Motion carried unanimously.

Treasurer's Report

- The General Fund Treasurer's report, given by Director Valliant states that the General Fund totals for December were:
 - Total Revenues - \$15,965.09
 - Total Expenses - \$99,325.26
 - Net Income – (-\$83,360.17)
- Financials were approved with a motion by Director Valliant, seconded by Director Nunez. Motion carried unanimously.

General Manager's Report

- General Manager Winner introduced Gerry Knapp who will be looking at deficit irrigation and split season irrigation for the LAVWCD.
- General Manager Winner introduced Chris Woodka from the Southeastern Colorado Water Conservancy District who gave an update on the Arkansas Valley Conduit.
 - **EXHIBIT A**
 - Discussed the history of the conduit and talked about the New Concept.
- Next, General Manager Winner introduced Krystal Brown with USGS who gave an update on the USGS Contract with LAVWCD, providing statistical information on the groundwater component and water quality component of the contract.
 - **EXHIBIT B**
 - Interactive information is located at <http://groundwaterwatch.usgs.gov/>
- Finally, General Manager Winner introduced Larry Small from the Fountain Creek Watershed, Flood Control, and Greenway District who gave an update on the Fountain Creek Flood Control Study.
 - **EXHIBIT C**
 - There will be NO dam on Fountain Creek in the foreseeable future.
 - General Manager Winner thanked Larry for all his work on Fountain Creek

Board Action

- Resolution 2018-01: Director Brown moved to reappoint Leroy Mauch as Director for the Fountain Creek Watershed, Flood Control, and Greenway District representative for LAVWCD, seconded by Director Nunez. Motion carried unanimously.

Committee Reports

Personnel: None

Acquisition: None

Ethics: None

Finance/Budget: Director Valliant reported that the Finance Committee met early that day to review the check register.

Executive: None

Legal: None

Legal Report

- Attorney Bart Mendenhall, Mendenhall and Malouff: Legal Report is attached as **EXHIBIT D**
- Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP: Legal Report is attached at **EXHIBIT E**
 - Special Counsel Nichols stated that he and his paralegals are preparing a list of all the court cases LAVWCD is involved in and how to access them.

- Nichols commented that they submitted the Catlin Pilot Project Report for the 3rd year of its operation, stating how successful it has been and thanked Jack, Mike, Brenda, and Martin & Wood for the work they put into compiling the report.
- Director Brown moved to approve the contract of services of Special Counsel Nichols, seconded by Director Mauch. Motion carried unanimously.
- Director Mauch moved for a donation and to participate in the response for the Supreme Court Case in New York v. Environmental Protection Agencies on behalf of the western States and water providers, seconded by Director Valliant. Motion carried unanimously.

Public Comment

- Don McBee thanked everyone for their work on Fountain Creek.

Executive Session

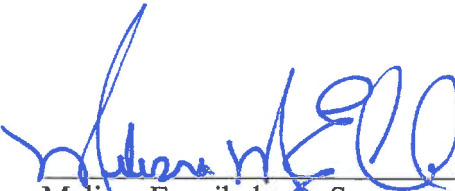
- Director Nunez moved to recess the regular board meeting to open an Executive session meeting, seconded by Director Mauch. It carried unanimously.
- The purposes of the executive session is for conferences with an attorney for the purposes of receiving legal advice on specific legal questions under Colorado Revised Statue 24-6-402(4)(b).

Adjourn

At 12:49 p.m., Director Mauch moved to adjourn the board meeting, seconded by Director Brown. Motion carried unanimously.



Lynden Gill Chairman



Melissa Esquibel Secretary